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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/587,577

07/31/2006

Noriyoshi Sonetaka

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WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C.

11491 SUNSET HILLS ROAD

SUITE 340

RESTON, VA 20190

EXAMINER

WALSH, DANIEL I

ART UNIT

PAPER NUMBER

2887

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/587,577	<b>Applicant(s)</b> SONETAKA, NORIYOSHI	
	<b>Examiner</b> DANIEL WALSH	<b>Art Unit</b> 2887	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____.                                     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8-4-09, 1-23-09, 3-31-08, 7-31-06</u> .                       | 6) <input type="checkbox"/> Other: _____.                         |



## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-10 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa et al. (JP 2002279325), as cited by the Applicant.

Re claim 1, Ogawa et al. as cited by the Applicant teaches that a mobile phone sends SIM card identification information read from a SIM card to a host server, the information is verified with information in a user database at the host server and only when the information is matched as a result of verification is the information downloaded and stored on the SIM card. This is broadly interpreted as data reading/writing apparatus that reads out the data and writes data, wherein data from the SIM card is read and compared to registered information at the server and if consistent then data is written (in response to a write command) (see abstract). Though silent to collation, the Examiner notes that as there is a SIM card, it is understood that identification data is read out from the SIM card and matched with registration data, prior to the telephone being able to make a call (in order to permit the phone to be used, as is typical with SIM based phones). Therefore, the phone users SIM card must be verified/authenticated prior to use. Alternatively, The Examiner has interpreted that the host server 3 is the data writing apparatus as it reads (receives) data from the card and writes (transmits/downloads) data to the card.

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Re claim 2, the Examiner notes that it would have been obvious to one of ordinary skill in the art, in light of the teachings of Ogawa et al. to have an input device in order to provide data to be input to specify the applicable data, as a means to provide such data to the system.

Regarding the writing data specifying information receiving device, the Examiner notes that as data/information is requested by a user, it would have been obvious to have a device to receiving the requested information as part of establishing communication to facilitate the transfer of the information.

Re claims 3-4, the Examiner notes that the type of information that would be stored on the SIM card is an obvious matter of design variation, within the ordinary skill in the art based on design constraints, system considerations, design choice, etc. Further, as Ogawa et al. teaches a financial transaction, the Examiner notes that such written information could be fee related, and/or data/information related to the portal/website, also noting that even fee data could also include data specifying the web/portal as a mean to provide information regarding the fees. Nonetheless, the Examiner notes that in the transaction, recording fee information or website/portal related information would have been within the ordinary skill in the art, based on the nature of the transaction.

Re claim 5, as discussed above, the portable terminal is a portable phone. As discussed above, the identification data is the SIM card identification information, which is compared with a server (carrier of the phone).

Re claim 6, though silent to a GSM phone, the Examiner notes that GSM phones are an obvious expedient as they are known to be used with SIM cards to permit added

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access/functionality as determined by the SIM card, such as but not limited to phone usage in different countries, prepaid values, etc.

Re claim 8-9, contactless SIM cards (RF) are known in the art as an obvious expedient for convenience, reduction in wear, and protection to the inside of the device from contaminants that would result from a contact card, such as ISO 14443 SIM cards, as an example.

Re claims 13-14, the limitations have been discussed above.

3. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa et al., as discussed above, in view of Meindl et al. (US 20020086704).

The teachings of Ogawa et al. have been discussed above.

Ogawa et al. is silent to contactless/RF communication.

Meindl et al. teaches such limitations (FIG. 1 showing a contactless SIM card communication).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Ogawa et al. with those of Meindl et al. for the benefits of contactless communication as known in the art and discussed above (reduction in wear, protection of the internals of a device, etc.).

4. Claims 1, 7-10, and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ijichi et al. (US 20020125311).

Re claims 1 and 7-10, Ijichi et al. teaches a data/reading writing device with a function of reading and reading data from a memory medium, a collation device for collating data peculiar to the user of the portable terminal read from the memory medium by the portable terminal with user registration data in advance, and outputting written data when they are consistent (FIG. 9

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which teaches a reader/writer that writes data when read data from the memory is collated with user registration data, which is interpreted as when the input password matches the stored/registered password of the IC card). Though silent to user registration data/identification data/a data collation device, the Examiner notes that the structure of Ijichi et al. is believed to support data collation. Such collation would have been obvious to one of ordinary skill in the art to be performed by an electronic device, such as a controller/processor. The Examiner has interpreted the password/identification data as the identification and registration data, when "registered in advance" can be interpreted as being input before writing/collation occurs.

Re claim 2, though silent, it is understood that a writing data specifying unit is present to allow data to be input in order to be written according to the command.

Re claims 7-10, the Examiner notes that both contactless and contact communication is taught (paragraph [0034]). Regarding the limitations of removal of the memory from the portable terminal before interaction with the reader/writer device, the Examiner notes that the card of Ijichi et al. is interpreted as being able to be attached to other portable terminals, as understood by one of ordinary skill in the art, and therefore, control unit 19 can be interpreted as the reader/writer device.

Re claims 13-14, the limitations are believed to have been discussed above, wherein the Examiner notes that a portable terminal memory is interpreted as a memory that is operable in a portable terminal, but does not require the presence of the portable terminal.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL WALSH whose telephone number is (571)272-2409. The examiner can normally be reached on M-F 9am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Paik can be reached on 571-272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DANIEL WALSH/  
Primary Examiner, Art Unit 2887